

Table of 2001 Legislation that Affects IDEM (by Enrolled Act Number)

Enrolled Act #	Subject(s)	Synopsis	Effective Date(s)
SEA 93	Registration of Soil Scientists	The Indiana Board of Registration for Soil Scientists is established to determine qualifications regarding registered professional soil scientists and registered associate soil scientists. Requirements for registration of soil scientists do not apply to state government. Requirements for individuals will be waived if specified requirements are met on July 1, 2001, including at least five years experience and if the individual has submitted reports dealing with environmental aspects of soil science that were acceptable to IDEM or other specified state agencies.	5/11/01 & 7/1/01
SEA 121	EQSC Re-establishment	The EQSC is re-established until December 31, 2005 with 18 members.	5/11/01
	Clean Manufacturing Technology Board Membership and Meeting Notices	A representative with expertise in occupational health and the workplace environment is added to the membership of the Clean Manufacturing Technology Board. Board members can serve more than two consecutive terms. The provision on publishing notices of meetings was removed.	7/1/01
SEA 152	Drainage Plans for Subdivisions	A person who lays out a subdivision of lots or lands outside a municipality is required to obtain the approval of the county drainage board of the plans and specifications for the drainage of the subdivision tract before proceeding with development of the subdivision.	7/1/01
SEA 160	Rural Economic Development Strategy	The Indiana Rural Development Council shall develop a rural economic development strategy for Indiana to assist Indiana's rural residents in improving their quality of life and to help promote successful and sustainable rural communities. The rural economic development strategy must include goals and recommendations concerning various issues, including land use, and infrastructure such as water, wastewater, and storm water. Beginning in 2002, the Indiana Rural Development Council must submit an annual report to the Legislative Council before October 1 of each year.	7/1/01
SEA 170	County Use of Money from the Hazardous Waste Disposal Tax	Two additional purposes that the county portion of the hazardous waste disposal tax (<i>25% of \$11.50/ton</i>) can be used for are as follows: 1) paying the costs associated with the construction or rehabilitation of a facility used for training county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste; and 2) paying the costs associated with any other project that has identifiable environmental benefits. <i>Putnam and Porter Counties are the only two counties remaining that this provision applies to since they are the only two counties left with a hazardous waste disposal facility.</i> These two additional purposes that the county portion of the tax can be used for is excluded from applying to Allen County.	7/1/01

SEA 174	Technical Corrections	Twenty-one technical corrections were made that affect IDEM.	5/7/01, 7/1/01, & 1/1/02
SEA 226	Regulation of Iron and Steel Making Slag	The SWMB is prohibited from adopting rules to regulate the production, transportation, storage, processing, or legitimate use of slag generated by the production of iron or steel under SIC code 3312.	7/1/01
SEA 236	Additional Uses of the Supplemental Drinking Water and Wastewater Assistance Fund	The State Budget Agency is given the authority to make grants to political subdivisions from the Supplemental Drinking Water and Wastewater Assistance Fund for tasks associated with the development and preparation of: 1) long term control plans; 2) use attainability analyses; and 3) storm water management programs.	5/1/01 & 7/1/01
SEA 273	Tax Credit for Voluntary Remediation of a Brownfield	A state tax credit is allowed for voluntary remediation of a brownfield. This tax credit is available for tax years 2002 and 2003. A taxpayer is entitled to a credit equal to the lesser of \$100,000 or 10% multiplied by the qualified investment made by the taxpayer during the taxable year against the taxpayer's state tax liability for a taxable year if specified requirements are satisfied. The legislative body of a political subdivision shall determine whether to approve a tax credit. IDEM and IDFA shall certify costs incurred in a voluntary remediation as a qualified investment. The amount of tax credits may not exceed \$1 million in a state fiscal year unless IDFA determines that money is available for additional tax credits in a particular state fiscal year.	1/1/02
	Transfers to the Environmental Remediation Revolving Loan Fund	The term "subaccount" is replaced with "account" to correct a reference in this provision on the Environmental Remediation Revolving Loan Program.	7/1/01
SEA 321	IDEM Enforcement of Restrictive Covenants on Land	The commissioner of IDEM is given the authority to proceed in court to enforce a restrictive covenant approved by the commissioner and created in connection with any remediation, closure, cleanup, or corrective action under Title 13 in accordance with the terms of the covenant.	7/1/01
SEA 338	Barrett Law Installments	Property owners in a county or municipality will have the option to pay assessments in monthly or annual installments over a 10, 20, or 30 year period (<i>currently, taxpayers only have the option of annual payments over a 10-year period</i>). Property owners in a municipal improvement district will have the option to pay assessments in monthly or annual installments over a 1, 5, 10, 15, or 20 year period (<i>currently, taxpayers only have the option of 1, 5, 10, 15, or 20 annual installments</i>). This applies to assessments imposed after June 30, 2001. The municipal legislative body would provide that bonds issued in anticipation of the collection of assessments must be issued so as to mature between 10 and 30 years from the date of issuance (<i>currently, bonds must be issued in 10-year series</i>).	7/1/01

SEA 456	Mandatory Use of Gasohol in State Vehicles	A governmental body (except a political subdivision) is required to whenever possible purchase gasohol to fuel the gasoline fueled vehicles owned or operated by the governmental body. There are specified exemptions to this requirement.	7/1/01
SEA 464	Distributions to SWMDs From COIT and CAGIT	A resolution passed by a county fiscal body to approve a distribution to a SWMD under the laws concerning the COIT and the CAGIT may: 1) expire on a date specified in the resolution; or 2) remain in effect until the county fiscal body revokes or rescinds the resolution; rather than having to pass a resolution each year.	7/1/01
	Waste Management Services	The law that restricts SWMDs from providing waste management services (<i>commonly referred to as the "349 requirements," referring to SEA 349, passed in 1996</i>) does not apply to activities conducted as part of household hazardous waste collection and disposal projects. A resolution adopted by a SWMD board may authorize a SWMD to perform more than one solid waste recycling, collection, or disposal event if the duration of each event is not more than one day and all events will take place in one calendar year.	7/1/01
SEA 486	Local Drainage Boards	Various matters concerning local drainage boards, including filter strips, drainage maintenance and repair districts, members of a joint drainage board, private drains, drain assessments, uses of maintenance funds, and obstruction of a drain.	7/1/01 & 1/1/02
HEA 1001	State Biennial Budget	Appropriations from the state general fund and specific dedicated funds are made for each IDEM program for the next two state fiscal years (FY 2001-2002 and FY 2002-2003). \$1.5 million per fiscal year is transferred from the Department of Commerce Recycling Promotion and Assistance Fund to IDEM's State Solid Waste Management Fund. \$30 million is appropriated for the biennium to the Community Wastewater and Drinking Water (a.k.a. Supplemental Drinking Water and Wastewater Assistance Fund) from the Build Indiana Fund. \$4.5 million is transferred each fiscal year from the ELTF to the Environmental Remediation Revolving Loan Fund for remediation of petroleum contamination. \$500,000 is transferred each fiscal year from the ELTF to the Oil and Gas Environmental Fund for plugging abandoned oil wells. \$500,000 is appropriated for the biennium to the Lake Michigan Environmental Trust Fund from the Build Indiana Fund. \$5.5 million is appropriated for the biennium to the Little Calumet River Basin Commission from the Build Indiana Fund. \$2 million is appropriated for the biennium to the Clean Water Soil Conservation and Water Districts (a.k.a. Clean Water Indiana) from Build Indiana Fund.	7/1/01
HEA 1075	Commercial Fertilizer–Manure	Unmanipulated animal and vegetable manures are now included in the definition of "fertilizer material." Unmanipulated animal and vegetable manures are now subject to the requirements of commercial fertilizers, including obtaining a registration and being subject to inspections from the State Chemist. Nonprocessed barnyard manure is no longer excepted from the definition of "commercial fertilizer." Nonprocessed manure is excepted from the definition of "commercial fertilizer."	7/1/01 & 7/1/02

HEA 1211	Regional Water and Sewer District Bidding	A board of trustees of a regional water or sewer district is required to follow specified procedures to competitively bid a public works project if the cost of the project is at least \$75,000. A board of trustees of a regional water or sewer district is required to follow set procedures for receiving quotes for a public works project if the cost of the project is at least \$25,000 but less than \$75,000.	7/1/01
HEA 1307	Liability of Board Members	Civil actions relating to acts taken by a board, a committee, a commission, an authority, or another instrumentality of a governmental entity (<i>i.e. the state or a political subdivision</i>) may be brought only against the board, the committee, the commission, the authority, or the other instrumentality of a governmental entity, rather than a member.	5/10/01
HEA 1342	Regional Sewer District Connection Exemption and Rates	A property owner is exempt from the requirement to connect to the district's sewer system for three years if specified conditions are met, including: 1) the property owner's septic tank soil absorption system was installed not more than five years before the district's sewer system's anticipated connection date; 2) the property owner's septic tank soil absorption system was new at the time of installation and was approved in writing by the local health department; or 3) the property owner provides to the district a certification from the local health department that the septic tank soil absorption system is functioning satisfactorily. If a district adopts an ordinance increasing sewer rates and charges at a rate that is greater than 5% per year, district freeholders may file a written petition to the district authority objecting to the rates and charges of the district.	7/1/01
HEA 1830	Industrial Waste Disposal	The provisions on "industrial waste" are repealed. IDEM is given the authority to modify a permit to prohibit the processing or disposal of specific solid waste at a solid waste disposal facility, or a solid waste processing facility. A generator that ships solid waste to a waste-to-energy facility must, before the facility accepts the solid waste, notify the facility before each shipment if the solid waste meets specified criteria in bulk quantities.	7/1/01
	Transportation of Waste	IC 13-20-4-8, that limited the use of a municipal waste collection and transportation vehicles to various types of waste, is repealed since the provision was ruled unconstitutional by the Federal Court several years ago as it was part of the package to ban backhauling of garbage in trucks that haul other products.	7/1/01
HEA 1852	Northwest Indiana Transportation Study Commission	The expiration date for the Northwest Indiana Transportation Study Commission is extended two years from November 2, 2001 to November 2, 2003. The duties of the commission regarding high speed rail service are removed.	7/1/01
HEA 1892	Storage and Transportation of Anhydrous Ammonia and Ammonia Solutions	A person who knowingly or intentionally stores or transports anhydrous ammonia (NH ₃) or an ammonia solution in a container that does not, or with appurtenances that do not, conform to the requirements of a law governing the design, construction, location, installation, or operation of equipment for storage, handling, use, or transportation of anhydrous ammonia or an ammonia solution commits a Class A misdemeanor.	7/1/01

HEA 1892 (continued)	Dumping of Controlled Substance Waste	A person who dumps, discharges, discards, transports, or otherwise disposes of chemicals, knowing the chemicals were used in the illegal manufacture of a controlled substance or an immediate precursor, or waste, knowing that the waste was produced from the illegal manufacture of a controlled substance or an immediate precursor, commits dumping controlled substance waste, a Class D felony. It is not a defense in a prosecution that the person did not manufacture the controlled substance or immediate precursor.	7/1/01
HEA 1901	Mercury and Mercury Products	After July 1, 2003: 1) a mercury-added novelty may not be sold or distributed in Indiana; 2) only a pharmacist can provide a mercury fever thermometer to an individual; 3) a primary or secondary school may not use a mercury commodity, mercury compounds, or mercury-added instructional equipment and materials in the classroom; and 4) a person may not provide a mercury commodity to another person in Indiana unless certain conditions are met. IDEM and SWMDs shall (units may) implement education programs on the reuse and recycling of mercury. SWMDs shall (units may) implement mercury collection programs for the public and small businesses. The EQSC is directed to study and make recommendations regarding labeling and disposal of mercury products, notifications, restrictions on sales, and limitations on the use of elemental mercury before January 1, 2004.	7/1/01
HEA 1935	Shoreline Environmental Trust Fund	The Shoreline Development Commission is established. The Shoreline Environmental Trust Fund is established to provide a source of money for the following: the rehabilitation, redevelopment, and reuse of qualifying property by providing grants to political subdivisions to conduct various specified activities, including environmental assessment and remediation.	7/1/01
HEA 1967	Full Reimbursement to Fire Departments for Hazardous Material Emergency Actions	Full reimbursement (rather than excluding expenses that are normally incurred in responding to an emergency that do not involve hazardous materials) from the responsible party is available to a fire department that employs either only full-time paid members, or both full-time paid members and volunteer members, for expenses incurred in taking emergency action to a hazardous materials emergency.	4/18/01
HEA 2041	Underground Storage Tank Funds	IC 13-23-10, the chapter on the Underground Storage Tank Guaranty Fund and Program is repealed. Claims from the ELTF may not exceed \$2 million per occurrence. Assignees of the right to receive money from the ELTF, and subsequent owners of the property upon which tanks are located if the tanks were previously owned by eligible tank owners and operators, are allowed to receive money from the ELTF under certain circumstances. The limit on the amount of money that an owner or operator of up to 100 underground petroleum storage tanks may receive from the ELTF during a year is increased to \$2 million from \$1 million. The limit on the amount of money that an owner or operator of more than 100 underground storage tanks may receive from the ELTF during a year is increased to \$3 million from \$2 million. The civil penalty on an owner of a tank who fails to pay the tank registration fee is increased from not more than \$50 for each day, to not more than \$2,000 per tank for each year that passes after the fee becomes due and before the fee is paid.	6/1/01 & 7/1/01

HEA 2119	Upper Wabash River Basin Commission	The Upper Wabash River Basin Commission is established. The commission consists of the area located in Adams, Huntington, Jay and Wells Counties that is drained by the Wabash River, including tributaries of the Wabash River. A political subdivision in a participating county may enter into a cooperative agreement with the commission and at least one other legal entity to authorize the commission to: 1) develop a plan to control flooding and improve drainage in that part of the basin; 2) organize and coordinate the installation of trails along the basin; or 3) develop and promote good soil and water conservation practices and procedures.	7/1/01
HEA 2147	Rules Exempt from Sunset Provision	The automatic expiration of an administrative rule on January 1 of the 7 th year after the year in which the rule takes effect does not apply to the following: 1) a rule that is required to receive or maintain delegation, primacy; or approval for state implementation or operation of a program established under federal law; and 2) a rule that is required to begin or continue receiving federal funding for the implementation or operation of a program. The date for the automatic expiration of an administrative rule is extended each time that the rule is amended and that the amended rule expires on January 1 of the 7 th year after the year in which the amendment takes effect. IDEM is required to publish notice in the Indiana Register and provide responses to comments on these rules.	5/2/01 & 7/1/01

Resolution #	Subject	Synopsis	Resolutions do not go to the Governor for signature or have an effective date
SR 51	Guaranteed Energy Savings Contract Program	The Indiana Senate requests that the Legislative Council establish a study committee to find a method for establishing guidelines to clarify, for schools and local governments, the basis upon which guaranteed energy savings contracts are to be negotiated.	(not adopted by the Senate)*
SCR 25	Review of Lake Management and Lake Protection Programs	The Governor is urged to issue an executive order or other appropriate directive instructing the appropriate state agencies (IDEM, IDNR, ISDH) to review thoroughly all the various lake management and lake protection programs and responsibilities, with the intent of consolidating programs, projects, and personnel, where appropriate, into one identifiable lake management unit within an existing agency of government.	Adopted by the Senate (not adopted by the House)*
SCR 58	Review of State Funded Environmental Technical Assistance	The Legislative Council is urged to assign to the EQSC the task of reviewing all efforts that are fully or partially funded by the state related to environmental technical assistance with respect to resource recovery, pollution prevention, clean manufacturing, recycling, nonpoint source pollution, and other environmental issues.	(not adopted by the Senate or House)*

HR 123	Agricultural Marketing– Use of Ethanol in Fuel; Ban on Use of MTBE	The Legislative Council is urged to establish a committee to study agricultural marketing, including the use of ethanol, and a potential ban on the use of MTBE in petroleum products.	Adopted by the House
HR 125	Pesticide Use in Schools	In order to better protect the children of each public and nonpublic school, the State Chemist and a representative from each public and nonpublic school in Indiana should be directed to report to the Chairman and the members of the Education Committee of the Indiana House of Representatives no later than December 1, 2001, regarding the progress of each school toward the adoption of policies and procedures to prevent adverse effects of pesticide use in the schools.	Adopted by the House
HR 130	Guaranteed Energy Savings Contract Program	The Indiana House of Representatives requests that the Legislative Council establish a study committee to find a method for establishing guidelines to clarify, for schools and local governments, the basis upon which guaranteed energy savings contracts are to be negotiated.	Adopted by the House
HR 139	Corn Marketing Council– Production and Marketing of Ethanol	The Legislative Council is urged to establish a committee to study the Corn Marketing Council since it is vital to the economy of Indiana to find new uses for corn, such as the production and marketing of ethanol, and to provide corn farmers with information concerning new corn markets and technologies.	Adopted by the House
HCR 64	Permits to Maintain Drainage Ditches	The Legislative Council is urged to assign to the Natural Resources Study Committee the topic of the timely issuance of permits to maintain drainage ditches.	Adopted by the House (not adopted by the Senate)*
HCR 111	Study on Local Improvement Areas	The Legislative Council is urged to establish a committee to study the establishment of local public improvement areas.	Adopted by the House (not adopted by the Senate)*

SCR = Senate Concurrent Resolution

HCR = House Concurrent Resolution

HR = House Resolution

Note that resolutions do not have the effect of law. They are used to express the sentiment of the House and/or Senate. SCRs and HCRs need to be adopted by both the Senate and House. HRs need only to be adopted by the House.

* Note that although a resolution was not adopted, it still may be acted upon.